

875 MADISON AVENUE, NEW YORK 22, N.Y.

[illegible][illegible]

Hon. Burke Marshall
Department of Justice
Constitution Ave. & 10 St. N.W.
Washington, D. C.

Enclosed please find copy of a telegram received this morning, which is more than somewhat contradictory to the letter I furnished you of February 7th.

Sincerely,

Morris
Morris B. Abram

Enclosure

Anthony Green

② Ed Guttman

Time has turned back.

古

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

**WESTERN UNION
TELEGRAM**

97-1201 (1-75)

SERVICES

Dial a Day Letter

Ad a Night Letter

International

LT a Letter Telegram

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The filing time shown on the date line on international telegrams is

AHA360 AH-NA687

PD VUX NEW YORK NY 16 538P EST

MORRIS B ABRAH

PAUL WEISS RIFKIND WHARTON AND GARRISON 575 MADISON AVE
NYKTHE EDITORS OF TIME MAGAZINE HAVE RECEIVED YOUR LETTER PLAIN
TO PRINT EXCERPTS FROM IT IN THE LETTERS SECTION OF THE ISSUE
DATED FEB 22

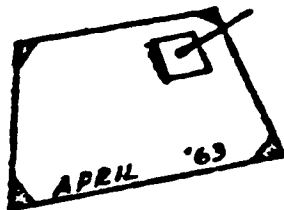
NANCY FADER LETTERS EDITOR

22

(27).

newsletter from the

Alabama Council on Human Relations, Inc.



*from the desk of
your Executive Director.....*

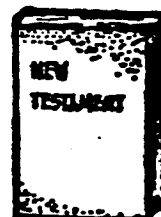
IN THE NAME OF COMMON SENSE. . .

. . . a clipping from the Clemson Tiger states that Clemson students have taken a clue from Moliero, who wrote with an ageless touch: "Good sense avoids all extremes, and requires us to be soberly rational we must yield to the times without being too stubborn."

If you criss-cross Alabama, you get the impression that rational people realize that change is the law of life, and technology is accelerating the tempo across the boards. Alabama's changing too, from what used to be an agricultural state to an industrial state. More and more people think that industry is the answer to our economic needs. Hand in glove with this change is the Negro's desire for a change in human relations, and now that the courts are closing up the legal loopholes, change in this vital human area appears inevitable.

What's behind it?

A businessman last week told me he thought the Negro's desire for justice and equality of opportunity stems from the fact that the New Testament they've been



reading omits any mention of skin color and states that Jesus taught that God loves every human being. "They believe it, and I guess it's a pretty good point of departure." Maybe the next time I see him, he'll be ready to enlist with the Alabama Council on Human Relations, because he said:

"People have got to start thinking with their heads instead of their emotions, and face up to inescapable fact that there are changes coming."

. . . each of our affiliated local councils know their own communities better than anyone else, of course, but it seems to me that we need to avoid empty sloganeering and get people to accept the inevitability of change. Once they accept it, the only choice is whether Alabama and Alabama communities make the change the hard way or the easy way.



The hard ways have been in the headlines, and reasonable people know that violence hurts everybody, and also hurts the pocketbook; scares off payrolls and chokes economic growth.

There's no easy blue print of the easy way, either. People have an inbuilt resistance to change that only intellect can overcome. But it appears to be good common sense to sit down and talk about some of the things that cause racial tensions. Opening up channels of communication can't hurt, and can't fail to help. If the Alabama Council can help people to face the fact of change, to choose between the hard and easy way, and then to sit down and talk with human beings about solutions . . . well, it will have made a vital

a color and states that
human being. They believe
maybe

contribution to the welfare of our state.

ALABAMA COUNCIL ACTIVITY

... when the government filed its "impacted area desegregation suits" in Mobile Federal Court, the Mobile Chapter of the Alabama Council joined with other groups that issued a joint call:

1) . . . to all civic club members, churchgoers, and club-women, to pass and endorse resolutions urging all American citizens in our area to fulfill their duties as responsible, law-abiding persons, and to maintain sanity, respect for law and order, and observance of the orderly processes of democracy in settling whatever disputes may arise in this crisis.

2) . . . on the City and County governments to take a strong stand on the problem of controlling lawless and violent elements who might endeavor to make our community the battleground for their ideological differences; also to implement this strong stand by establishing a City Committee on Friendly Relations to promote good-will and understanding between the different racial groups in the area.

3) . . . on the Chamber of Commerce, the Business and Professional Leaders of the community, the School Board, the School Administration, the principals, the parents, the teachers and students in our schools to carry us through this crisis without allowing it to degenerate into the disasters that have befallen Little Rock, New Orleans, and Oxford, Mississippi.

... and at a meeting in the Mobile Chamber of Commerce building, Dr. Paul Anthony, director of field services for the Southern Regional Council, told how Atlanta met its desegregation crisis without the slightest taint of violence.

... accepting the challenges of keeping pace with the changing patterns of merit employment . . . the Huntsville Council sponsored a workshop on equal employment opportunity.

"I'm sure glad I came" . . . "This workshop has been a big help to me". . . and other similar statements were made by men representing management at the workshop.

"We've got several people studying the general employment picture; others in the council are going to be working with companies interested in hiring the best man for the job . . . looking at his education, his experience and general fitness

for the job . . . instead of his skin.

JOKES:

I guess a couple of hundred jokes have been devised about Meredith's admission to Ole Miss. And it's inevitable that the jokesters are now working on Gantt's admission to Clemson. Some of the jokes are too ugly to repeat, but the other day I heard one that I believe will get a chuckle from both races.

It seems (as the joke goes) that Gantt decided to report for football practice at Clemson, and Coach Frank Howard was upset to get the word that there would be a Negro on his squad. So Howard decided to give Gantt the works, and see if the Negro couldn't be discouraged in his football aspirations.

The coach assembled all his white boys, and said, "Now I'm going to ask Gantt to punt the ball, and just as he gets off the kick, you guys clobber the colored boy."

So Gantt took a pass from center and punted the ball 80 yards. He was clobbered, all right but he managed to pick himself up.

"Okay", Howard whispered to his white squad. "This time, we'll make Gantt pass the ball, and you guys go in there and murder that colored boy."

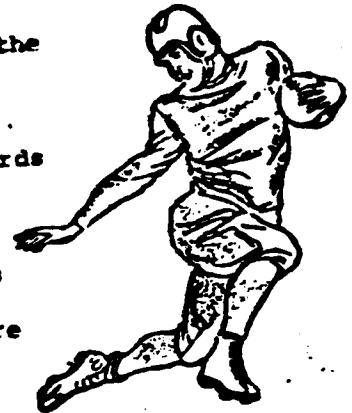
Gantt got the ball and passed it 60 yards down field, into the arms of a racing receiver.

"All right", Howard told his men. "this time we'll boot the kickoff to Gantt, and you fellows clobber that colored boy before he has a chance to move."

Well, the kickoff went to Gantt, who sidestepped a host of tacklers and twisted all the way down the field for a touchdown.

"Gee, Coach," one of the white players said, "what'll we do this time to get rid of that colored boy?"

"Colored boy?" Howard asked innocently. "What colored boy?"



Teaching Communism

The cold war is a hard fact of the times. To wage it, which is to try to lead a productive national life despite its heavy demands, Americans must know what it is. To this end a consensus has come into being that communism should be taught in the schools. However, according to educators who have studied the matter, many of the programs so far developed have been marred by hysteria or pedantry. Furthermore, in a number of places the impetus for teaching communism has come only from groups on the right whose dislike of communism is not properly balanced—in our opinion—by a full appreciation of democracy.

Hence it is reassuring that, belatedly, representative and responsible groups of Americans are starting to contribute their resources. A few days ago, for instance, there was issued a teacher-training syllabus prepared at the University of South Carolina under the sponsorship of the American Bar Association. The apt title of this excellent syllabus, which avoids the fatal error of substituting indoctrination for information, is "Democracy and Communism in World Affairs." It is intended to serve the training centers which are springing up around the country to meet the rising demands of local communities for sensible instruction in communism. We hope that the syllabus, or something like it, will be made available to the many teachers who will not attend an institute, and to adult education programs and other interested groups as well.

Education in the nature, tactics and appeal of communism is too important to be done in a slipshod manner or to be left to any but the country's ablest citizens. It is entirely appropriate—and entirely American—for scholars, lawyers and professional educators to offer their prestige and their talents in this field.

GUIDE FOR TEACHER WORKSHOPS AND



DEMOCRACY
AND
COMMUNISM
IN WORLD AFFAIRS

INTERNATIONAL STUDIES/UNIVERSITY OF

SPONSORSHIP OF
AN ASSOCIATION/STANDING COMMITTEE OF
AGAINST COMMUNISM

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First published, April, 1963

PREFACE

This Preface to a suggested syllabus for teacher training in the field of Democracy and Communism in World Affairs has a specific purpose: to explain why the American Bar Association has concerned itself with education in this area and why and how the syllabus project came into being.

The legal profession's concern is both general and specific. The first object of the American Bar Association, as stated in its Constitution, is "to uphold and defend the Constitution of the United States and maintain representative government." It is our belief that the gravest threat to our national freedom and democratic form of government is the international Communist movement. If the ambitions of the Communist dictators are realized, our Constitution and representative government in America would be destroyed. In a broader sense, freedom under law would be destroyed everywhere. The preservation of this basic freedom—which embraces all of our cherished freedoms—has traditionally been within the unique competence and responsibility of lawyers and judges.

President John F. Kennedy, in his Special Message on Education submitted to Congress early in 1961, declared in part:

the training course of the cold war requires a citizenry that understands our principles and problems. It requires skilled manpower and leadership to match the power of totalitarian discipline. It requires a scientific effort which demonstrates the superiority of freedom. And it requires an electorate in every state with sufficiently broad horizons and sufficient maturity of judgment to guide this Nation safely through whatever lies ahead.

In short, from every point of view, education is of paramount concern to the national interest as well as to each individual. . . .

It is obvious that our citizenry—including our youth in schools and colleges—must understand the nature and the seriousness of the Communist threat. This means more than an uncomfortable awareness that Communism threatens freedom in our country. The real need is for widespread knowledge in some depth of the history, doctrines, objectives, and tactics of the international Communist movement, studied with an understanding and appreciation of our American principles of human dignity and individual equality under the law.

In focusing attention on the subject of Communism and its contrast with liberty under law, we are not unmindful of the broader

educational needs of our time. There have been profound transformations in the world—and particularly in America's position and responsibility—within the past two decades. Much has been said about the obsolescence of curricula in the physical sciences, mathematics and foreign languages—and happily, much is being done to meet the new and exacting requirements in these subjects. But there must be at least an equal concern for the adequacy of our education in the social sciences. And with it all, there is a compelling need to build in younger generations a greater understanding of the values and principles underlying our free society.

The need for more attention to the basic beliefs, systems, and long-term conflict between democracy and Communist despotism has been repeatedly emphasized by American leaders. Former President Eisenhower said:

Competition for man's mind begins when they are students. This is why they must be taught to discern between the American form of government and the Soviet form.

Allen W. Dulles, a lawyer and former Director of the Central Intelligence Agency, was one of the first national leaders to emphasize the need for education in this field. He said:

We need, far and wide in this country, more education on the whole history of the Communist movement. . . . We should not be afraid to teach the subject. The history of Communism and all of its works would have its own influence on the system. Let the facts speak for themselves.

Although the American Bar Association established a Committee in 1950 to study and report on Communist tactics, strategy and objectives, it was not until February, 1961, that its House of Delegates adopted significant resolutions dealing with the pressing need for education on this subject. In part these resolutions said:

We encourage and support our schools and colleges in the presentation of adequate instruction in the history, doctrines, objectives and tactics of Communism, thereby helping to build a greater appreciation of democracy and freedom under law and the will to preserve that freedom.

The action of the House of Delegates of the American Bar Association attracted widespread and favorable public attention. Numerous requests were received from Bar organizations, educational authorities and the public for advice and assistance as to what could be done to promote such a program.

In response to this demand, a special committee of the American Bar Association under the chairmanship of Lewis F. Powell, Jr., of Richmond, Virginia, prepared and published a pamphlet entitled *Instruction on Communism and Its Control with Liberty Under Law*. The release of the pamphlet was noted immediately and favorably in the press and in the *Congressional Record*. There were requests for copies from all states of the nation, and the measured tone of the pamphlet was applauded. Although it was directed towards the need for instruction in depth on the subject of Communism at all levels of education, its emphasis—as a program in which the organized Bar might take a constructive part—was at the high school level.

At the time the Association first called for the teaching of the facts about Communism, the question being debated was whether there should be courses on this subject. The extent of progress in public awareness is indicated by the fact that the question today is how to teach such courses. Other organizations have played a leading role in achieving a consensus on the importance of teaching in this subject area. A major contribution, for example, was the combined effort of the American Legion and the National Education Association whose joint committee published a booklet entitled *Teaching About Communism: Guidelines for Junior and Senior High School Teachers in 1962*.

To strengthen and provide continuity of Bar effort in this field, the House of Delegates in August, 1962, amended its By-Laws consolidating the special committees into a permanent Standing Committee on Education Against Communism and directed it in part to "encourage and support our schools and colleges in the presentation of adequate instruction on the contrast between Communism and Liberty under law."

Educational authorities, gratified and encouraged by the development of a public consensus favorable to the introduction in our school system of courses of study in this subject, emphasized to our Committee the need to offer training courses for teachers in the social science field to help them fulfill their classroom responsibilities. Several outstanding teacher workshops were held during the summer of 1962. A Workshop on Basic Issues in Citizenship, for example, was conducted by the Nine States Youth Citizenship Project and sponsored by the Commissioners of Education of the Nine Northeastern States and given at the Lincoln Filene Center for Citizenship and Public Affairs at Tufts University.

From the inception of its work the Committee was fortunate enough to rely on the advice and planning of its very able program director, Mr. Frank Rockwell Barnett. Mr. Barnett, a Rhodes scholar and former Wake Forest College professor, has for several years served as a visiting faculty member for the special Defense Strategy Seminar dealing with Communism and world affairs held at the National War College in Washington, D. C., for senior reserve officers, many of whom are themselves educators, lawyers, and members of Congress. Thanks largely to his efforts we met with some of the leaders in higher education who had directed and participated in the four programs in 1962. They included Dr. Richard L. Walker, Director, Institute of International Studies, University of South Carolina; Dr. Roger Swearingen, Director, Research Institute on Communism Strategy and Propaganda, University of Southern California; Rev. R. J. Heide, S. J., Dean of the Graduate School, The Saint Louis University; Dr. Erving P. Shulman, Director of Summer Sessions, Vanderbilt University; and Dr. William Vandeell Elliott, School of Government, Harvard University.

The Committee's consultation and deliberation brought out the fact that whereas there have been some remarkably fine developments in the materials prepared for use in secondary schools and in the guidelines for teachers, there has been no source to which these outstanding teacher training could turn for guidance and assistance. The Committee decided therefore to develop such a source, utilizing the experience and approaches of several universities where successful teachers and seminars had already been held. This volume, which it must be stressed is tentative, is the result.

The Committee has had the advantage of being able to secure the assistance of the faculty of one of the leading national centers for the study of international affairs in pulling the materials together. Under the direction of Dr. Richard L. Walker, the Institute of International Studies at the University of South Carolina has prepared this suggested model syllabus and guide for teacher training institutes and workshops. While the syllabus itself has been developed primarily out of the program at the University of South Carolina, it has incorporated where feasible materials and suggestions from other cooperating institutions. This volume also contains brief summaries of alternative approaches followed at the University of Southern California, St. Louis University, and Vanderbilt University. The consistent and responsible educators at all of these centers of learning gave freely of their knowledge and experience gained from their partici-

tion in teacher institutes held last summer. Their cooperation during the course of the preparation of this volume was a source of inspiration to all of the members of the Committee.

Our Committee is privileged by this opportunity of serving in the role of supporter of these prominent scholars. This syllabus has been written, not for the purpose of being the final word, but as a meaningful document prepared by experts to be used and further developed as a tool by educators all over the country. It could not have been written without the fine cooperation of the many scholars who helped Dr. Walker.

We wish to express our appreciation for the advice rendered us by Dr. Richard L. Miller, Associate Director, Project on Instruction, National Education Association; Dr. John Kelly, Liaison Officer with the National Broadcasting Company's "Continental Classroom" for the American Association of Colleges for Teacher Education; Dr. Edward C. Pomerooy, Executive Secretary of the American Association of Colleges for Teacher Education; Dr. Merrill Harston, Executive Secretary, National Council for Social Studies, National Education Association; Dr. Erving N. Hunt, Chairman, Department of the Teaching of Social Studies, Teachers College, Columbia University; Dr. and Mrs. Harry Overstreet, authors, lecturers and educational consultants; Dr. William R. Kistner, Deputy Director, Foreign Policy Research Institute, University of Pennsylvania; and Doctors W. Glenn Campbell and Stefan Possony, Hoover Institution of War, Revolution and Peace, Stanford University.

The efforts of the Standing Committee on Education Against Communism and the educational consultants mentioned have been brought to fruition in this publication through gifts and grants to the American Bar Association's Fund For Public Education which have been directed to this purpose. We express our deep appreciation for the generous benefence of Mrs. Alan M. Scoble of Pittsburgh, Pennsylvania; to the Directors and Boards of Trustees of The Richardson Foundation, Inc., of Greensboro, North Carolina and New York City; The Lilly Endowment, Inc., of Indianapolis, Indiana; and to the W. C. and Sarah H. Bradley Foundation, Columbus, Georgia. Had it not been for their interest and generosity, this publication would not have been possible.

The American Bar Association is sending this provisional edition without obligation to interested educators and educational institutions who have the prime responsibility for the training of our nation's teachers and who wish to provide specialized training for

teachers responsible for the education of our youth, preparing them better to understand and meet the challenges of this century and to "... guide this Nation safely through whatever lies ahead."

It is a source of real satisfaction to the Commission that whereas in the past there might have been controversy and even cause for worry about such an effort as this, there has been full agreement among responsible scholars and leaders of varying political persuasions that such an effort is not only desirable but is vitally necessary.

THE AMERICAN BAR ASSOCIATION

BRASSARD COMMITTEE ON EDUCATION ACADEMY COMMITTEE

Egbert L. Raymond	Mario T. Sosa
John C. McKay, Jr.	C. Brewster Rhoads
Raymond W. Miller	Irvin S. Rhodes
William C. Moore	John Ritchie
Louis B. Nichols	Don H. Stahl
Morris L. Lohmann, Chairman	

April, 1962

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University of South Carolina

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As of September 1, 1963, copies of this syllabus under the title *Democracy Confronts Communism in World Affairs*, published by the University of South Carolina Press, will be available in paperback at \$1.00 per copy from the American War Association Publications Department, 1155 East 64th Street, Chicago 37, Illinois. Cloth-bound copies will be available at \$3.00 per copy from the University of South Carolina Press, Columbia, South Carolina.

UNITED STATES GOVERNMENT
Memorandum

Miss.
DEPARTMENT OF JUSTICE

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: May 29, 1963
GAM:pav
72-41-51 10,134

FROM : Gordon A. Martin, Jr.
GM Attorney

SUBJECT: Rankin County, Mississippi 1971(a)

While in Rankin County recently preparing for the trial of the case of United States v. Edwards, I had occasion on May 16 and 17, 1963 to pass by the United States Post Office in Brandon, Mississippi, the county seat. On both occasions I noticed in the front window of the Post Office a large poster advertising a meeting of the Brandon Chapter of the Women for Constitutional Government which was held on May 16, 1963. This is a right wing political organization which has as its local co-chairman, Mrs. John McLaurin, the wife of the state senator who is opposing Attorney General Patterson.

It seems to me that the use of federal property to advertise any political meeting is improper, and I submit this information to you for whatever reference to the Post Office Department you may feel it merits.

John Dolan:
Can we do anything
about this?
JD

THE POTOMAC INSTITUTE, INC.

1501 Eighteenth Street, N.W. • Washington, D.C.

May 29, 1963

Hon. Burke Marshall
Assistant Attorney General
Civil Rights Division
Justice Department
Washington 25, D. C.

Dear Burke:

John Silard wanted you to have a copy of this memorandum he prepared and has spoken to you about. I hope to talk to you soon, but knowing how frantically busy you are, I have desisted up to now.

More power to you, and best regards.

Sincerely,


Harold C. Fleming
Executive Vice President

UCF:ENA
Enc.

F-2

DEPARTMENT OF JUSTICE
ROUTING

Miss
DEPARTMENT OF JUSTICE

NAME	BUILDING AND ROOM
1 John Nolan	
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3	
4	
5	

RECEIVED

ATTN

☐ SIGNATURE
☐ APPROVAL
☐ SEE ME
☐ RECOMMENDATION
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE
☐ PREPARE REPLY FOR THE SIGNATURE OF

☐ COMMENT
☐ NECESSARY ACTION
☐ NOTE AND RETURN
☐ CALL ME

☐ PER CONVERSATION
☐ AS REQUESTED
☐ NOTE AND FILE
☐ YOUR INFORMATION

REMARKS

30 May

John:

Can we do anything about this?

S/31
 Write with *Flournoy*
 he is to call back
 To Mr. Marshall *BN*

FROM

NAME

BUILDING, ROOM, EXT.

DATE

WALTER E. MEYER RESEARCH INSTITUTE OF LAW, INC.
157 WALL STREET
NEW HAVEN, CONNECTICUT

Ralph S. Brown, Jr.
Director

June 6, 1963

Hon. Burke Marshall
Department of Justice
Washington, D. C.

Dear Burke:

Can I bother you for your general impression of the scholarly competence of Professor Harry Shapiro of Rutgers? He says he has spent quite a lot of time with you and some of your assistants, in connection with his study of the criminal side of civil rights enforcement. He has applied to the Meyer Institute for a small grant for auxiliary expenses.

You may recall that the Institute, though very much interested in further responsible work in this field, has been hesitant to support people who would not do a first-rate job. It is in this context that I would value your opinion of Shapiro. Of course he is quite far advanced with his work, and I suppose will carry it through whether or not he gets help from us; but I am concerned that the research cream shouldn't be skimmed by second-raters.

With best regards.

Sincerely,

Ralph
Ralph S. Brown, Jr.

*AB Marshall
Will you give me
your answer? B*

4-76
-61)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. A. B. Caldwell	
2.	
3.	
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<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION

☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____

☐ PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS

June 12, 1963

Would you give me your views?

BM

FROM	
NAME	BUILDING, ROOM, EXT., DATE

HASTINGS HEITH, M.C.
FOR DISTRICT, MISS.

WASHINGTON TELEPHONE
CAPitol 6-5000
EXTENSION 2011

Congress of the United States
House of Representatives
Washington, D. C.

COMMITTEE ON
INTERNAL SECURITY AND FOREIGN
AFFAIRS

ROOM 3000
3000 FOUR CORNER BLDG.
NEW WASHINGTON, MISS.

June 18, 1962

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C.

Dear Mr. Marshall:

Thank you very much for your letter informing me of your interest and concern with the problems posed by the reverse freedom rider situation.

In accordance with our conversation, I am enclosing a copy of the Thunderbolt.

I appreciate your cooperation in this matter and I hope you will let me know your opinion on the enclosure.

Sincerely,

Hasty Keith
HASTINGS HEITH, M.C.

HK:ND
ENCL.

JOHN H. WRIGHTEN
ATTORNEY AND COUNSELLOR AT LAW
230 COMING STREET
CHARLESTON, SOUTH CAROLINA

June 19, 1963

THE WHITE HOUSE

JUN 20 2 26 PM '63

RECEIVED

The President
The White House
Washington 25, D. C.

Mr. President:

"I am sure through the news you have been reading about the Demonstrations in the City of Charleston, South Carolina.

It appears to me unless you use your moral influence to bring this thing to a head, we are headed for trouble. Therefore, I take this opportunity to ask you to use the prestige of the President's Office, and try to see if an amicable solution to this demonstration problem could be suggested and work out by the governing bodies of the City of Charleston.

I am of the opinion if you were to contact the Honorable Mayor J. Palmer Gaillard, and advise him to establish a Bi-Racial Committee here in Charleston, something tangible here might be worked out before it is too late.

The Charleston's County Jail is full to its capacity with teen-age Freedom Lovers, and also the Charleston County Prison Farm. I am positive if you were to use the prestige of the office of the President, something tangible in Charleston could be done or worked out immediately. I remain

Respectfully yours,

John H. Wrighten
John H. Wrighten, Executive Secretary
of the Progressive Democrats of
South Carolina

JHW/p

YALE LAW JOURNAL

484 YALE STATION
NEW HAVEN - CONNECTICUT

Office of the
EDITOR-IN-CHIEF

June 19, 1963

Mr. Burke Marshall
Dept. of Justice
Washington, D. C.

Dear Mr. Marshall:

Will you join us in honoring the Journal's business secretary, Miss Marie McMahon? For thirty-eight years---over half the life of the Journal --- "Miss Mac," with her shy smile, infinite forbearance, and sure fingers, has seen this organization through crisis upon crisis. Now she is retiring; we think you will agree that she deserves more of the Journal than the University's standard retirement plan. Therefore, I am writing you and her other editors in the hope that you will be willing to help finance the Journal's tribute to her. I think, as well, that you will enjoy reading the enclosed tribute, which a member of last year's editorial board paid to Miss Mac at her retirement party last week.

Thank you for your assistance.

Sincerely yours,

Peter L. Stranes
Peter L. Stranes
Editor in Chief

P.S.: Please make your check payable to the YALE LAW JOURNAL, should you care to send one.

*Linda -
\$25 -*

To MISS MARIE McMAHON
Business Secretary, Yale Law Journal
Volumes 35-72

For thirty-eight years - over one-half the life of the Journal - Miss Marie McMahon, with her shy smile, infinite forbearance and sure fingers, has seen this organization through crisis after crisis. She has humored an unending procession of omniscient editorial boards, has weathered the wrath of outraged source-checkers and equally outraged contributors, and has quietly replaced impressionistic spelling, punctuation and form with the wisdom of Noah Webster, the blue book and her own persistent common sense. Her timid inquiry: Could he really have meant to say this? and "What do you suppose this could mean?" has been the gentlest of correctives to continual folly. And to despairing editorial boards faced with the prospect of authors without deadlines and deadlines without authors, Miss Mac's very presence has brought the assurance and consolation of the seer's words, that "this too shall pass."

Of necessity, each Journal Board that worked with Miss Mac came away with its own set of experiences, personal reminiscences and unique recollections. There is no way of bringing all these together here and now. Only Miss Mac can know them all; we and our predecessors can know only the smallest portion. And yet, because to each of us, Miss Mac has seemed like a timeless and constant spirit, it seems somehow as if we can glimpse more and can guess at the essence of what she brought to each board in turn.

We know, for instance, from our own experience and from Dean Boston's tribute, that Miss Mac must have given to each board the bounty of her magic touch, transmuting linear miles of illegible script into orderly, workable and readable type; that she has ever and again taken our scraps of paper and mutilated pages and through her alchemy transformed them into printer's copy in which we might take genuine and long-recurring pride.

But, even now, we can go beyond this, and from our own meagre experience, can hazard a characterization of what Miss Mac has brought to the Journal for so many decades. Perhaps that contribution is best approached by an experience that Miss Mac must have known several times weekly and indeed daily. A significant part of her day is spent hearing statements like: "I've got to have this right away"; "When is the soonest this can be ready?"; "I promised this to the printer three days ago"; "This has got to go out right away or the author will blow his stack"; "We have to have this ready for a source check tonight"; "The deadline is in two days and only one-third of the copy has gone off to the printer"; "Miss Mac, there are just a few changes I wanted to make before this went off to the printer tomorrow morning"; and on and on the list could read. If Miss Mac has heard such statements once, she has heard them a million times. Urgent, emergency, crisis, due yesterday, top priority, drop everything, the Dean wants, the chief wants, the author wants, I want - all that has rung in her ears for more than thirty years. And she

has lived with this pace - but in doing so, she has done far more than that.

Each of us who has come to her with his all important demands has come to understand the necessity of give and take - but perhaps most important of all, we have learned in some measure from Miss Mac that human beings are not automotons, that mere shouting and harassment will not guarantee performance, and that sensitivity and empathy and humor are needed in every phase of our lives. It has been no small achievement for Miss Mac to din this lesson into our heads. For we are but students and we live in our own small and circumscribed world - a world in which we are, in some sense, kings by virtue of sheer wit and mere quickness. We are wont to rule that world with the arrogance and unseeingness of the baby and the autocrat. Membership on the Journal is from one point of view an invitation to greater blindness, for it seems to be a confirmation of the view that skill and wit alone will carry all before it. And Miss Mac knows as few others know, as an elite, within an elite law school we forget, not in theory perhaps, but in the relentless demands of petty details, that there is no substitute for humanity - and no value more ultimate. For thirty-eight years she has been the constant in this learning experience.

When we first came on Journal or first gave some copy to Miss Mac, most of us assumed that in some way she was a sort of ageless typing machine, infinitely dependable, self-repairing and wondrously efficient. We could not then realize that her own quiet shyness and helpfulness was the beginning of a reproof that helped our growth, not as legal technicians, but as human beings. For each person, the experience and the realization has come by its own unique sequence of events. But for all there was some realization of the self-betraying as well as self-defeating result of treating any human being as simply someone to be used. It is a lesson that a person without Miss Mac's gentleness, quietness, kindness and lack of pettiness could hardly have taught to generation after generation of what one enraged contributor called "arrogant young pups".

If then we could guess from our own experience some of what those who have gone before owe most to Miss Mac, it would be something like this:

Marie McMahon has been for over 30 years a quiet, unobtrusive and infinitely patient co-worker. She has been the center and heart of an operation which seemed purely and solely devoted to turning out volumes of print. Yet, the by-product and perhaps the main product of that enterprise has been turning young men and women into compassionate, tolerant human beings. And in no small measure that process has been initiated and shaped by Miss Mac's quick smile, quiet warmth, shy humor and, on occasion, frank confidence.

Those privileged among us have been regaled by stories of the past, by personal reminiscences, and by uniquely perceptive assessments of past Journal members. For Miss Mac has known us, helped us and remembered us not by our class standing, our intellectual prowess or our aggressive competitiveness. Rather she has known us as we con-

duct ourselves as human beings. And all of us have been judged by her in that respect with great and unceasing charity. In turn, we have striven to be worthy of the gentle warmth which she has so continuously extended.

One final word needs be said - though already too many words have been extended and the tribute still remains woefully inadequate to the subject. That is this:

Miss Mac's counterparts at Harvard, Columbia and other law schools have generally numbered two or three, if not more, full-time secretaries, equipped with electric typewriters, numerous phones and office furniture far beyond anything in Miss Mac's cramped headquarters. Men always have a tendency to look back to the past and say: "That was the era of giants; that was when great men stalked the earth." But we know that today, in its own way, such an era closes for us when one smiling, graying typist, armed with a battered Remington, has held her own - and then some - against the secretarial legions of our automated rivals.

Yet the disparity between the physical equipment and the standard of performance is a small measure of the contribution Miss Mac has made. For she has been a unique part of a unique institution. And in her own way, she has toiled long and succeeded greatly in the task Yale has set for itself of producing a distinctive breed of lawyers.

The Journal attempts to do for its members in concentrated form what this law school attempts to do for all its students: treat them as individuals that they will treasure individuality; treat them as human beings that they will prize humanity; treat them as adults that they will bear responsibility; and forgive them their weaknesses that they will be not overharsh toward the weaknesses of others. Each Journal member has, in some measure, learned these lessons - not only at the hands of his professors - but also, and perhaps most directly, from Miss Mac. And in the final analysis, it is the gentleness and humanity with which Miss Mac has touched our lives that we must value most - and that we will most miss.

DEPARTMENT OF JUSTICE

Wise.

TO

Mr. Symington

June 22, 1962

REMARKS:

- ☐ ATTORNEY GENERAL
 - ☐ EXECUTIVE ASSISTANT
 - ☐ OFFICE OF PUBLIC INFORMATION
- ☐ DEPUTY ATTORNEY GENERAL
 - ☐ EXECUTIVE OFFICE-U. S. ATTORNEYS
 - ☐ EXECUTIVE OFFICE-U. S. MARSHALS
- ☐ SOLICITOR GENERAL
- ☐ ADMINISTRATIVE DIVISION
 - ☐ LIBRARY
- ☐ ANTITRUST DIVISION
- ☐ CIVIL DIVISION
- ☐ CIVIL RIGHTS DIVISION
- ☐ CRIMINAL DIVISION
- ☐ INTERNAL SECURITY DIVISION
- ☐ LANDS DIVISION
- ☐ TAX DIVISION
- ☐ OFFICE OF LEGAL COUNSEL
- ☐ OFFICE OF ALIEN PROPERTY
- ☐ BUREAU OF PRISONS
- ☐ FEDERAL BUREAU OF INVESTIGATION
- ☐ IMMIGRATION AND NATURALIZATION SERVICE
- ☐ PARDON ATTORNEY
- ☐ PAROLE BOARD
- ☐ BOARD OF IMMIGRATION APPEALS
- ☐ ATTENTION: _____

- ☐ SIGNATURE
- ☐ APPROVAL
- ☐ RECOMMENDATION
- ☐ COMMENT
- ☐ NECESSARY ACTION

- ☐ NOTE AND RETURN
- ☐ SEE ME
- ☐ PER CONVERSATION
- ☐ AS REQUESTED
- ☐ NOTE AND FILE

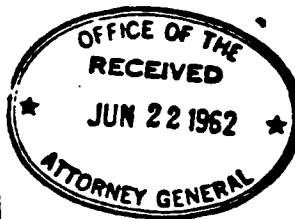
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____

☐ PREPARE REPLY FOR THE SIGNATURE OF _____

Jim:

This is the publication I spoke to you about. I got it from Congressman Keith. Please let me know if RPK wants me to do anything.

Burke



FROM _____

5/23

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CT-17
7-63) Civil Rights Division

FROM: MAIL AND DOCKET ROOM

- 7-5/8-2
- () Assistant Attorney General
 - () First Assistant
 - () Second Assistant
 - () Trial Staff
 - ()
 - ~~() Chief, General Litigation Sec.~~
 - (2) Head, Const. Rts. Unit
 - ()
 - () Chief, Appeals and Research Sec.
 - () Federal Custody Unit
 - ()
 - () Chief, Voting and Election Sec.
 - ()
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REMARKS:

NO DOCKET CARD

*Mr. Green
Does the letter in
your shop
[Signature]*

Misc.

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REMARKS

Did anyone write the outgoing ltr.?

Bonnie

FROM

NAME

BUILDING, ROOM, EXT. DATE

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

CHAMBERS OF
IRVING R. KAUFMAN
CIRCUIT JUDGE
U. S. COURTHOUSE
NEW YORK 2, N. Y.

June 25, 1963

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

Dear Mr. Marshall:

In view of your deep interest in
the New Rochelle Lincoln School litigation, I
am sending you a copy of the opinion I delivered
from the bench at the conclusion of the hearing
yesterday.

With warm regards,

Sincerely yours,

Irving R. Kaufman

Irving R. Kaufman
United States Circuit Judge

Enclosure

① Dear Judge Kaufman:
Thank you very much
for sending us a copy of your
opinion in the New Rochelle case.
I saw the newspaper accounts
of it, but am glad of the chance
to read it. Very truly yours.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE TAYLOR and KEVIN TAYLOR,
minors, by WILBERT TAYLOR and MALLIE
TAYLOR, their parents and next friends,

-and-

MARJORIE WILLIAMS and ROSLYN WILLIAMS,
minors, by RUDOLPH WILLIAMS and
MARJORIE WILLIAMS, their parents and
next friends,

-and-

CHERYL ANN WILLIAMS, a minor, by LIA
WILLIAMS, her mother and next friend,

-and-

LYNN GARLAND, a minor, by THOMAS GARLAND,
her father and next friend,

-and-

BENJAMIN HALL, LONNIE HALL, MICHELE
HALL and VELMA HALL, minors, by
BARBARA HALL, their mother and next friend,

-and-

MARILENE MURPHY, a minor, by WALTER
MURPHY and WILLENE MURPHY, her
parents and next friends,

-and-

For these and all others similarly
situated and who may become parties to
this action,

Plaintiffs

-against-

THE BOARD OF EDUCATION of the CITY
SCHOOL DISTRICT of THE CITY OF NEW ROCHELLE,

-and-

HERBERT C. CLISH, as SUPERINTENDENT OF
SCHOOLS of THE CITY SCHOOL DISTRICT of
THE CITY OF NEW ROCHELLE,

Defendants

60 Civ. 4098

A P P E A R A N C E S :

PAUL ZUBER
Attorney for Plaintiffs

MURRAY C. FUERST
Attorney for Board of Education

ROBERT M. MORGENTHAU
United States Attorney

by **EUGENE R. ANDERSON** and
DAVID R. HYDE

IRVING R. KAUFMAN, C.J. (delivered from the bench):

I have been pleased to hear from Dr. Frank F. Marino, Chairman of the Board of Education of the City of New Rochelle, and other members of the Board, as well as Dr. David C. Salten, Superintendent of Schools, who addressed the Court this morning.

This is a most gratifying day for this Court, for in two years we have come full circle from a period in which national attention was focused upon New Rochelle as a Northern community condoning segregation to a period in which

the nation will view New Rochelle as a trailblazer in solving the problem of providing truly equal educational opportunity for all. I want publicly to thank Messrs. Fuerst and Zuber who, as counsel for the respective parties, have performed a great service not only to the community and to this Court, but to the entire nation as well.

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In less than ten years, the legal and social complexion of our nation has undergone a dramatic change. The epochal decision of the United States Supreme Court in Brown v. Board of Education, 349 U.S. 294 (1954), has worked a revolution in American race relations. The tempo of that revolution is ever quickening and its reverberations have not been confined to any one part of our nation. Indeed, the President of the United States has recently noted that the problem of equal opportunity regardless of race is "not a sectional problem-- it is nationwide."

The truth of this statement is confirmed by the case history of New Rochelle's Lincoln School integration litigation, the judicial phases of which are, hopefully, drawing to a close. In order that the application now before this Court may be set in context, a brief statement of that

History will be undertaken.

New Rochelle, a suburb of New York City is, as we know, located in southeastern Westchester County. In late 1960, a class action was initiated in this court by several Negro children enrolled in the Lincoln School, a public elementary school operated by the Board of Education of the City of New Rochelle, which was named as one of the defendants. In this action, the plaintiffs charged that Lincoln School, situated in central New Rochelle, then with an enrollment of approximately 94 Negroes, had been deliberately created and maintained by the Board as a racially segregated school in violation of the Fourteenth Amendment to the federal Constitution. After a trial, this Court found, 191 F. Supp. 181 (S.D.N.Y. 1961), that the school board, in 1930, had gerrymandered the district in which the Lincoln

School was located in order that a large portion of its white students would be excluded and permitted to attend the nearby Webster and Mayflower schools; that within the four years following, the boundaries of the Lincoln district were manipulated so as to incorporate the ever-increasing Negro population; that until 1949, the Board assured the continuance of Lincoln School as a Negro school by permitting white students resident within the district to transfer to schools outside the district; and that after 1949, when further transfers were forbidden, the school board did nothing to alter the status quo or to ameliorate the serious racial imbalance in the Lincoln School which it had caused to be brought about.

It followed, therefore, that this Court was constrained to find that the deliberate efforts to maintain the Lincoln School as a segregated educational institution

worked a deprivation of the equal protection of the laws constitutionally proscribed by the Fourteenth Amendment as interpreted by the Supreme Court in Brown v. Board of Education, supra. As I noted at that time, "The conduct of responsible school officials has operated to deny to Negro children the opportunities for a full and meaningful educational experience guaranteed to them by the Fourteenth Amendment." 191 F. Supp. at 182-93.

In order to cure this social illness, this Court directed the Board to present a plan to remedy the illegality. The Board proposed such a plan which, with considerable modification, was adopted as the decree of the Court, in May 1961. 195 F. Supp. 231 (S.D.N.Y. 1961). In essence, the decree provided for a completely optional transfer of all Lincoln students to any schools having sufficient

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room to receive them without the imposition of any requirements for minimal academic achievement or emotional adjustment. Further provisions were incorporated in order fully to effectuate the spirit of the optional transfer plan; but, the decree provided that the Board was under no obligation to furnish transportation to pupils transferring under the terms of the decree. The decree concluded with the provision that "The Court shall retain jurisdiction over this case to assure full compliance with this decree." This Court, then, is still seized of jurisdiction over this case and over the administration of the terms of the decree.

I now have before me an application by the present School Board -- whose composition is substantially different from that of the Board at the time of the original decree-- seeking certain amendments and modifications of that decree.

It is clear that this application has been precipitated by the changing circumstances in New Rochelle which have followed upon the Board's efforts to comply with this Court's order. On the date of the commencement of this litigation, Lincoln School had an enrollment of 483 students, of whom 454, or 94%, were Negro. As a result of the transfer of Lincoln students to the city's eleven other elementary schools, the percentage of Negro students dropped immediately ^{to approximately 89%.} ~~immediately to 89%.~~ A year and a half later, in April 1963, the entire student population at Lincoln School was less than half what it was when this Court entered its decree; only 210 pupils had chosen to remain enrolled at this antiquated school, constructed 65 years ago.

The economic and social impact of this mass

exodus has been perceptively analyzed and extrapolated by the present forward-looking School Board. The operation of Lincoln School has become economically unfeasible due to the greatly diminished size of the student body; as of April of this year, although the average annual per capita cost of education in all the New Rochelle elementary schools was approximately \$977.00 per student, the cost of educating a student at Lincoln was somewhat more than \$1,057.00.

As the student body will continue to decrease, the cost per Lincoln School student will increase. It has become obvious to the present Board that the Lincoln School must be closed and permanently shut down.

But more at the heart of this proceeding is the School Board's fear -- grounded in a sincere desire to conform not only with the letter but with the spirit of

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this Court's decree -- a fear that the continuation of the plan of free optional transfer, pursuant to the terms of the decree, will result in an unbalanced racial population in schools adjacent to the Lincoln district. The Board in effect urges that strict compliance with the original decree, now that Lincoln School is being closed down, will pose a serious threat of de facto racial segregation in those contiguous schools, if the remaining students at Lincoln are permitted to exercise a free choice of school to be attended.

The School Board and its enlightened Superintendent of Schools, Dr. David C. Salten, a nationally recognized educator -- after holding two public hearings in May of this year, at which 1300 and 900 citizens, respectively, were in attendance and 98 speakers heard; after attending many

meetings of FTA groups, and civic and neighborhood
associations; and after consulting with experts in the
field and with those representing the interests of the
Negro population of the Lincoln district -- therefore
asks this Court to amend

and modify the letter of the decree in order that its spirit may best be perpetuated.

In my original opinion in this litigation, I expressed my sincere belief in the proposition that the desegregation problem in the Lincoln district could be solved by "men of good will, wisdom and ingenuity." 191 F. Supp. at 193. It is gratifying that, among the membership of the present School Board, Few Rochelle has found such men. It is obvious that these are men of heart and of broad vision. They have taken a most commendable and farsighted step in projecting the philosophy which underlay the original decree -- and by their action will minimize or perhaps avoid the problem, plaguing so many other communities, of racial imbalance in their system of education. This reaffirmation of respect/ for man and law

is gratifying and timely, for it is an antidote to those familiar instances where federal court decrees have been flaunted by high officials sworn to uphold the law.

Obstruction, delay, and unrest have characterized much of our national struggle against educational and racial inequality. But this small Northern community -- whose population, composed of various races and religions, might represent our nation in microcosm -- has provided this nation with an example and a model of sound public leadership.

Indeed, the immediate and energetic effort of the School Board to comply with this Court's mandate might well be viewed as a precursor of the widely-acclaimed position taken only last week by James E. Allen, Jr., Commissioner of Education for the State of New York.

The President of the United States, a few short

days ago, registered a plea for an end to racial strife, mass picketing and protest meetings which almost inevitably trigger violence. He urged that the forum for solving the racial question be shifted from the streets to the courts. Certainly, that is the first step. But, as I noted in my original opinion: "Litigation is an unsatisfactory way to resolve issues such as have been presented here. It is costly, time consuming -- causing further delays in the implementation of constitutional rights -- and further inflames the emotions of the partisans." 191 F. Supp. at 197. In short, our legal system can only go so far in inculcating morality. Today, in light of the School Board's appearance before this Court, I feel even more strongly that the task of securing full equality of educational opportunity among the races is best achieved

not by a court which is ill-equipped to control the day-to-day problems of educational policy, but by private citizens, men of good will, prepared to act affirmatively in pursuance of our basic law and with a devotion to community betterment.

Thus, in the instant case, the New Rochelle School Board has taken the initiative and, after investigation and consultation, has proposed several modifications in the May 1961 decree of this Court.

With the closing of the Lincoln School and the accompanying need for enlightened placement of the students living within the Lincoln district, the Board proposes to provide bus transportation to these students on a basis identical to that provided throughout New Rochelle-- that is, transportation to any school destination within 1-1/2 and

10 miles of the student's home. As the School Board has stated in its report on its proposed plan to the citizens of New Rochelle: "Transportation will be ^a ~~an~~ key factor in our efforts to maintain an ethnic balance in our elementary schools and to prevent the emergence of segregated schools." This report further states:

Any solution for the problems at Lincoln must be resolved on the basis of what is good for the school system and the community as a whole. Closing the school and transporting its students to outlying areas fulfills this criterion because it avoids tipping contiguous schools and enables students in outlying as well as in the central schools to attend an integrated school.

I have been advised that the additional cost to each of the residents of New Rochelle once the benefits of bus transportation are extended to the students in question will be insignificant. It must also be noted that, pursuant to state law, 90% of the transportation costs incurred in the

City of New Rochelle will be borne by New York State in the 1963-64 and successive school years, and only 10% by the city. In short, the burdens resulting from the implementation of the proposed transportation plan are infinitesimal when compared to its benefits.

I am convinced that the closing of Lincoln School, conjoined with free bus transportation for former pupils there to other schools within the city will have a salutary influence in securing true equality of educational opportunity for all parties before this Court. This proposed modification, which would eliminate paragraph 7 of the original order decreeing that Lincoln transferees were to provide their own transportation, is therefore adopted by this Court.

The more fundamental modification of the decree

proposed by the School Board is the deletion of paragraphs 1 and 2 which deal with the optional transfer plan and the substitution thereof of a provision designed to permit the Board to assign students residing within the Lincoln district where necessary to secure or maintain racial balance within the elementary school system. Such a provision would repose in the Board discretion in the assignment of pupils in order best to effectuate the principles announced in the original opinion of this Court. Viewing this proposed modification in light of the School Board's demonstrated genuine support for those principles, this Court has decided to so modify its decree. Compliance therewith will be ensured, if ever necessary, by this Court's continued retention of jurisdiction over the case, in pursuance to the final

paragraph of the decree and to the general principles of equity.

The decree is modified as provided for in the amended decree entered this day.

And so, as the Board in its "Comprehensive Plan for Educational Excellence -- A Report to all Citizens of New Rochelle," dated May 14, 1963 stated: "... the eyes of the entire nation are fixed upon our community and its schools. Our special difficulties have received national attention . . ." The nation will now observe how men of compassion and foresight have faced up to the racial problem of their community and with courage undertaken the task of solving it.

JUNE 24, 1963

IRVING R. KAUFMAN
United States Circuit Judge

TENNESSEE VALLEY AUTHORITY
KNOXVILLE, TENNESSEE
405 New Sprankle Building

OFFICE OF THE BOARD OF DIRECTORS

June 26, 1963

The Honorable Burke Marshall
Assistant Attorney General
Department of Justice
Washington 25, D. C.

Dear Burke:

Perhaps you will be interested in some of my personal contacts with the man charged in the murder of Medgar Evers.

Several years ago De La (Delay) Beckworth came to my office in Greenwood to ask, in general, why the world was in the hands of the Communists.

"Let me know if I can kill a nigger for you," were his parting words.

De La is a product of all right-wing, racist organizations. He was district treasurer of the Sons of the American Revolution for several years and active in their affairs. He was an associate of the local John Birch leaders. His well known, outspoken talk about Negroes brought him attention and prominence. He occasionally embarrassed the Citizens Council leaders, but they regularly used him as a promoter and agitator.

A few years ago De La sent me a letter he had written to President Eisenhower, abusively protesting the integration of the Armed Forces. I sent it back to him, but he later got it published in one of the local papers. He was a frequent letter-writer to the Memphis Commercial Appeal and the Jackson paper.

Last spring during my campaign Beckworth was the only person in Greenwood who had a Whitten sticker on his car, until the last few days before the primary. He was an active field worker in the Whitten campaign, distributing the various unsigned attacks on my record.

Because of his family background, and acceptance in the local community, I think he should not be written off as an isolated fanatic. There are others like him all around.

Cordially,

Don Frank.
Thank you for the vote on you
former constituent. You have some
remarkable ones. It is going to come
a great deal of turmoil if this one is not brought
to justice. Best regards

Frank E. Smith

Miss.

June 27, 1963

Joey Adams, President
American Guild of Variety
Artists
351 Fifth Avenue
New York 16, New York

Dear Mr. Adams:

The Attorney General asked me to reply to your letter on the AGVA resolution. I am sorry that the press of events has delayed a response.

The resolution is an act of public responsibility. Your support is greatly appreciated. I believe that it will have an important national effect.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

eng

Misc.

June 27, 1968

Honorable Irving R. Kaufman
United States Circuit Judge
U.S. Court of Appeals for the
Second Circuit
New York 7, New York

Dear Judge Kaufman:

Thank you very much for sending me a
copy of your opinion in the New Rochelle
case. I saw the newspaper accounts of it,
but am glad of the chance to read it.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE TAYLOR and KEVIN TAYLOR,
minors, by WILBERT TAYLOR and HALLIE
TAYLOR, their parents and next friends,

-and-

MARJORIE WILLIAMS and ROSLYN WILLIAMS,
minors, by RUDOLPH WILLIAMS and
MARJORIE WILLIAMS, their parents and
next friends,

-and-

CHERYL ANN WILLIAMS, a minor, by LILA
WILLIAMS, her mother and next friend,

-and-

LYNN GARLAND, a minor, by THOMAS GARLAND,
her father and next friend,

-and-

BENJAMIN HALL, LONNIE HALL, MICHELE
HALL and VELMA HALL, minors, by
BARBARA HALL, their mother and next friend,

-and-

MARILENE MURPHY, a minor, by WALTER
MURPHY and WILLENE MURPHY, her
parents and next friends,

-and-

For these and all others similarly
situated and who may become parties to
this action,

Plaintiffs

-against-

THE BOARD OF EDUCATION of the CITY
SCHOOL DISTRICT of THE CITY OF NEW ROCHELLE,

-and-

HERBERT C. CLISH, as SUPERINTENDENT OF
SCHOOLS of THE CITY SCHOOL DISTRICT of
THE CITY OF NEW ROCHELLE,

Defendants

60 Civ. 4098

*President's
file*

June 30, 1963

John M. Wrighten, Esq.
Executive Secretary
Progressive Democrats of
South Carolina
230 Coming Street
Charleston, South Carolina

Dear Mr. Wrighten:

The President has asked me to reply
to your letter of June 19 about the sit-
uation in Charleston. We will look into
it to see if we can be of any assistance
to the community.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

A P P E A R A N C E S :

PAUL ZUBER
Attorney for Plaintiffs

MURRAY C. FUERST
Attorney for Board of Education

ROBERT M. MORGENTHAU
United States Attorney

by **EUGENE R. ANDERSON** and
DAVID R. HYDE

IRVING R. KAUFMAN, C.J. (delivered from the bench):

I have been pleased to hear from Dr. Frank P. Marino, Chairman of the Board of Education of the City of New Rochelle, and other members of the Board, as well as Dr. David C. Salten, Superintendent of Schools, who addressed the Court this morning.

This is a most gratifying day for this Court, for in two years we have come full circle from a period in which national attention was focused upon New Rochelle as a Northern Community condoning segregation to a period in which

the nation will view New Rochelle as a trailblazer in solving the problem of providing truly equal educational opportunity for all. I want publicly to thank Messrs. Fuerst and Zuber who, as counsel for the respective parties, have performed a great service not only to the community and to this Court, but to the entire nation as well.

In less than ten years, the legal and social complexion of our nation has undergone a dramatic change. The epochal decision of the United States Supreme Court in Brown v. Board of Education, 349 U.S. 294 (1954), has worked a revolution in American race relations. The tempo of that revolution is ever quickening and its reverberations have not been confined to any one part of our nation. Indeed, the President of the United States has recently noted that the problem of equal opportunity regardless of race is "not a sectional problem-- it is nationwide."

The truth of this statement is confirmed by the case history of New Rochelle's Lincoln School integration litigation, the judicial phases of which are, hopefully, drawing to a close. In order that the application now before this Court may be set in context, a brief statement of that

History will be undertaken.

New Rochelle, a suburb of New York City is, as we know, located in southeastern Westchester County. In late 1960, a class action was initiated in this court by several Negro children enrolled in the Lincoln School, a public elementary school operated by the Board of Education of the City of New Rochelle, which was named as one of the defendants. In this action, the plaintiffs charged that Lincoln School, situated in central New Rochelle, then with an enrollment of approximately 94 Negroes, had been deliberately created and maintained by the Board as a racially segregated school in violation of the Fourteenth Amendment to the federal Constitution. After a trial, this Court found, 191 F. Supp. 181 (S.D.N.Y. 1961), that the school board, in 1930, had gerrymandered the district in which the Lincoln

School was located in order that a large portion of its white students would be excluded and permitted to attend the nearby Webster and Mayflower schools; that within the four years following, the boundaries of the Lincoln district were manipulated so as to incorporate the ever-increasing Negro population; that until 1949, the Board assured the continuance of Lincoln School as a Negro school by permitting white students resident within the district to transfer to schools outside the district; and that after 1949, when further transfers were forbidden, the school board did nothing to alter the status quo or to ameliorate the serious racial imbalance in the Lincoln School which it had caused to be brought about.

It followed, therefore, that this Court was constrained to find that the deliberate efforts to maintain the Lincoln School as a segregated educational institution

worked a deprivation of the equal protection of the laws constitutionally proscribed by the Fourteenth Amendment as interpreted by the Supreme Court in Brown v. Board of Education, supra. As I noted at that time, "The conduct of responsible school officials has operated to deny to Negro children the opportunities for a full and meaningful educational experience guaranteed to them by the Fourteenth Amendment." 191 F. Supp. at 182-93.

In order to cure this social illness, this Court directed the Board to present a plan to remedy the illegality. The Board proposed such a plan which, with considerable modification, was adopted as the decree of the Court, in May 1961. 195 F. Supp. 231 (S.D.N.Y. 1961). In essence, the decree provided for a completely optional transfer of all Lincoln students to any schools having sufficient

room to receive them without the imposition of any requirements for minimal academic achievement or emotional adjustment. Further provisions were incorporated in order fully to effectuate the spirit of the optional transfer plan; but, the decree provided that the Board was under no obligation to furnish transportation to pupils transferring under the terms of the decree. The decree concluded with the provision that "The Court shall retain jurisdiction over this case to assure full compliance with this decree."

This Court, then, is still seized of jurisdiction over this case and over the administration of the terms of the decree.

I now have before me an application by the present School Board -- whose composition is substantially different from that of the Board at the time of the original decree -- seeking certain amendments and modifications of that decree.

It is clear that this application has been precipitated by the changing circumstances in New Rochelle which have followed upon the Board's efforts to comply with this Court's order. On the date of the commencement of this litigation, Lincoln School had an enrollment of 483 students, of whom 454, or 94%, were Negro. As a result of the transfer of Lincoln students to the city's eleven other elementary schools, the percentage of Negro students dropped immediately to approximately 89%. A year and a half later, in April 1963, the entire student population at Lincoln School was less than half what it was when this Court entered its decree; only 210 pupils had chosen to remain enrolled at this antiquated school, constructed 65 years ago.

The economic and social impact of this mass

exodus has been perceptively analyzed and extrapolated by the present forward-looking School Board. The operation of Lincoln School has become economically unfeasible due to the greatly diminished size of the student body; as of April of this year, although the average annual per capita cost of education in all the New Rochelle elementary schools was approximately \$977.00 per student, the cost of educating a student at Lincoln was somewhat more than \$1,057.00. As the student body will continue to decrease, the cost per Lincoln School student will increase. It has become obvious to the present Board that the Lincoln School must be closed and permanently shut down.

But more at the heart of this proceeding is the School Board's fear -- grounded in a sincere desire to conform not only with the letter but with the spirit of

1

this Court's decree -- a fear that the continuation of the plan of free optional transfer, pursuant to the terms of the decree, will result in an unbalanced racial population in schools adjacent to the Lincoln district. The Board in effect urges that strict compliance with the original decree, now that Lincoln School is being closed down, will pose a serious threat of de facto racial segregation in those contiguous schools, if the remaining students at Lincoln are permitted to exercise a free choice of school to be attended.

The School Board and its enlightened Superintendent of Schools, Dr. David C. Salten, a nationally recognized educator -- after holding two public hearings in May of this year, at which 1300 and 900 citizens, respectively, were in attendance and 98 speakers heard; after attending many

meetings of FTA groups, and civic and neighborhood
associations; and after consulting with experts in the
field and with those representing the interests of the
Negro population of the Lincoln district -- therefore
asks this Court to amend

and modify the letter of the decree in order that its spirit may best be perpetuated.

In my original opinion in this litigation, I expressed my sincere belief in the proposition that the desegregation problem in the Lincoln district could be solved by "men of good will, wisdom and ingenuity." 191 F. Supp. at 193. It is gratifying that, among the membership of the present School Board, Few Rochelle has found such men. It is obvious that these are men of heart and of broad vision. They have taken a most commendable and farsighted step in projecting the philosophy which underlay the original decree -- and by their action will minimize or perhaps avoid the problem, plaguing so many other communities, of racial imbalance in their system of education. This reaffirmation of respect/ for man and law

1

is gratifying and timely, for it is an antidote to those familiar instances where federal court decrees have been flaunted by high officials sworn to uphold the law.

Obstruction, delay, and unrest have characterized much of our national struggle against educational and racial inequality. But this small Northern community -- whose population, composed of various races and religions, might represent our nation in microcosm -- has provided this nation with an example and a model of sound public leadership.

Indeed, the immediate and energetic effort of the School Board to comply with this Court's mandate might well be viewed as a precursor of the widely-acclaimed position taken only last week by James E. Allen, Jr., Commissioner of Education for the State of New York.

The President of the United States, a few short

days ago, registered a plea for an end to racial strife, mass picketing and protest meetings which almost inevitably trigger violence. He urged that the forum for solving the racial question be shifted from the streets to the courts. Certainly, that is the first step. But, as I noted in my original opinion: "Litigation is an unsatisfactory way to resolve issues such as have been presented here. It is costly, time consuming -- causing further delays in the implementation of constitutional rights -- and further inflames the emotions of the partisans." 191 F. Supp. at 197. In short, our legal system can only go so far in inculcating morality. Today, in light of the School Board's appearance before this Court, I feel even more strongly that the task of securing full equality of educational opportunity among the races is best achieved

not by a court which is ill-equipped to control the day-to-day problems of educational policy, but by private citizens, men of good will, prepared to act affirmatively in pursuance of our basic law and with a devotion to community betterment.

Thus, in the instant case, the New Rochelle School Board has taken the initiative and, after investigation and consultation, has proposed several modifications in the May 1961 decree of this Court.

With the closing of the Lincoln School and the accompanying need for enlightened placement of the students living within the Lincoln district, the Board proposes to provide bus transportation to these students on a basis identical to that provided throughout New Rochelle-- that is, transportation to any school destination within 1-1/2 and

10 miles of the student's home. As the School Board has stated in its report on its proposed plan to the citizens of New Rochelle: "Transportation will be ^a ~~the~~ key factor in our efforts to maintain an ethnic balance in our elementary schools and to prevent the emergence of segregated schools." This report further states:

Any solution for the problems at Lincoln must be resolved on the basis of what is good for the school system and the community as a whole. Closing the school and transporting its students to outlying areas fulfills this criterion because it avoids tipping contiguous schools and enables students in outlying as well as in the central schools to attend an integrated school.

I have been advised that the additional cost to each of the residents of New Rochelle once the benefits of bus transportation are extended to the students in question will be insignificant. It must also be noted that, pursuant to state law, 90% of the transportation costs incurred in the

City of New Rochelle will be borne by New York State in the 1963-64 and successive school years, and only 10% by the city. In short, the burdens resulting from the implementation of the proposed transportation plan are infinitesimal when compared to its benefits.

I am convinced that the closing of Lincoln School, conjoined with free bus transportation for former pupils there to other schools within the city will have a salutary influence in securing true equality of educational opportunity for all parties before this Court. This proposed modification, which would eliminate paragraph 7 of the original order decreeing that Lincoln transferees were to provide their own transportation, is therefore adopted by this Court.

The more fundamental modification of the decree

proposed by the School Board is the deletion of paragraphs 1 and 2 which deal with the optional transfer plan and the substitution thereof of a provision designed to permit the Board to assign students residing within the Lincoln district where necessary to secure or maintain racial balance within the elementary school system. Such a provision would repose in the Board discretion in the assignment of pupils in order best to effectuate the principles announced in the original opinion of this Court. Viewing this proposed modification in light of the School Board's demonstrated genuine support for those principles, this Court has decided to so modify its decree. Compliance therewith will be ensured, if ever necessary, by this Court's continued retention of jurisdiction over the case, in pursuance to the final

paragraph of the decree and to the general principles of equity.

The decree is modified as provided for in the amended decree entered this day.

And so, as the Board in its "Comprehensive Plan for Educational Excellence -- A Report to all Citizens of New Rochelle," dated May 14, 1963 stated: " . . . the eyes of the entire nation are fixed upon our community and its schools. Our special difficulties have received national attention . . ." The nation will now observe how men of compassion and foresight have faced up to the racial problem of their community and with courage undertaken the task of solving it.

June 24, 1963

IRVING R. KAUFMAN
United States Circuit Judge

Miss.

Leitman, Williams, Bennell and Baird

200 SOUTH LA SALLE STREET - CHICAGO 4 - FINANCIAL DISTRICT

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July 2, 1963

Mr. Burke Marshall
Department of Justice
Washington, D. C.

Dear Mr. Marshall:

My American Bar Association's Committee on Education Against Communism has taken a major step forward and I wanted to keep you posted. Enclosed is a reprint of the preface which appears in the recent 260-page publication entitled DEMOCRACY AND COMMUNISM IN WORLD AFFAIRS.

I am particularly pleased with this first major effort, as the experts tell me this suggested syllabus and teacher's guideline fulfills a real need.

Also enclosed is an editorial which appeared recently in the Washington Post pertinent to this effort.

Kindest personal regards.

Sincerely,


Morris I. Leibman

MIL:m
Encl

Southern Field Service
**National Catholic Conference
for Interracial Justice**

1646 Baronne Street • New Orleans 13, Louisiana • 522-2901



Miss.

July 5, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Burke:

Thanks for your prompt reply to my request for a list of subversive organizations. I am writing the House on American Activities Committee as you suggested for probably what will be a much lengthier list.

Yours sincerely,

Henry Caltrac
Henry Caltrac

EC/ej

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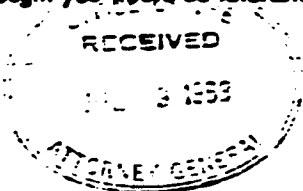

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REMARKS

9 July

Harris Wofford sent me the attached editorial from Addis. I thought you would be interested.

BM


FROM	
NAME	BUILDING, ROOM, EXT., DATE

Miss
Alabama Council on Human Relations, Inc.

ROOM 1224 COMER BLDG. - - SPRINGFIELD 3, ALABAMA
PHONE AL 3-3722

Rev. NORMAN C. JIMERSON, Executive Director

"AN ORGANIZATION TO ATTAIN, THROUGH RESEARCH AND EDUCATION, SOCIAL OPPORTUNITIES FOR ALL PEOPLE OF ALABAMA."

July 10, 1963

Attorney Burke Marshall
Assistant to the Attorney General
U. S. Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

I am following with great interest your testimony before the Senate Commerce Committee Concerning the importance of establishing legal machinery to deal with discrimination in public accommodations.

A hotel manager in Alabama has told me that he favored such legislation because it would take the burden off the hotel owners.

The politicians that are raising a great cry against governmental control of private business are predictably getting excited about private property rights only when it seems that there will be some protection for human rights.

You are to be commended for your excellent presentation, and you will be interested to know that it is being reported locally.

Sincerely,

Norman C. Jimerson
Norman C. Jimerson (Rev.)
Executive Director

HCJ/m

Enclosures

UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA



BOARD OF CHRISTIAN EDUCATION
WITHIN-CHURCH DIVISION, PHILADELPHIA 7, PA.
Telephone: PENNSYLVANIA 3-6722

July 15, 1963

Hon. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C.

Dear Mr. Marshall:

Enclosed for your information is a letter which has just been sent to every member of the United States Congress signed by responsible officers of The United Presbyterian Church in the United States of America.

We feel very strongly that we are in a national crisis which is so urgent that both the executive and legislative branches of our government ought to lay aside considerations of party advantage in adopting civil rights legislation which will remove the scandal of racial discrimination.

The President has rightly described the issue as a moral issue. Its importance is such that there should be no watering-down of the proposed civil rights legislation and no delaying tactics in bringing the matter to a vote.

Sincerely yours,

R. J. Harmelink

Ray J. Harmelink
Associate General Secretary

RJH/ah

enc.

② To Mr. Obeyesekere
Mr. Gonsky

① Dear Mr. Harmelink:
Thank you for sending
me the copy of the letter sent
to members of Congress. I think
it will be most helpful and
hope that others will follow
this lead. I say thank you.

THE NASHVILLE TENNESSEAN
AUGA CARTER EVANS, PUBLISHER
WEDNESDAY AND SUNDAY
NASHVILLE, TENNESSEE

JOHN SEIGENTHALER
EDITOR

July 17, 1933

Dear Burke:

There is a person in Birmingham circulating petitions in the mail
across the country, calling for the impeachment of the President.

Do you know anything about him? His address is: H & H Drug &
Apothecary - 920 Pike Road - Birmingham, Alabama.

Best,

JH

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington 25, D. C.

P. S. I don't think he is going to be successful.

Mr. Burke
I don't know
anything about
that man.
JH


Department of Justice
Washington

JUL 17 1963

Misc

MEMORANDUM TO THE ATTORNEY GENERAL

Attached is a draft of a response to Stanley Mosk, Attorney General of California, regarding possible revision of criminal identification records to remove the stigma of arrest and conviction from persons arrested in civil rights demonstrations. We have taken the matter up with the FBI and have been told that it is not feasible to make changes in their identification records to reflect the background circumstances of particular arrests. While this is undoubtedly true, I think it possible for the Department to systematize such information as we have of the identities of persons arrested in peaceful civil rights demonstrations and make it available to state and local authorities who wish to undertake their own program of revising their criminal identification records. The attached letter suggests this possibility to Mr. Mosk and inquires regarding the specific plans of the State of California.


Burke Marshall
Assistant Attorney General
Civil Rights Division

*signed
& mailed
7/25*

**THE UNITED PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA**

OFFICE OF THE GENERAL ASSEMBLY
316 WITHERSPOON BUILDING
PHILADELPHIA 2, PENNSYLVANIA

REV. EUGENE CARSON BLAKE, D.D., STATED CLERK
REV. SAMUEL W. SHAW, D.D., ASSOCIATE STATED CLERK

The deepening moral crisis in all dimensions of our common life due to the exclusion of Negroes and other minority persons from full participation has erupted into a full-scale social revolution. This is a crucial hour for the United States Congress, as for all other institutions in our land.

The time for deploring, for placing blame, for temporizing, for seeking credit, has passed. If every segment of our national life does not now assume its full responsibility for ending the discrimination and segregation affecting American citizens of color, we may find that history has left us in its dust.

Recently, the major religious bodies have gone beyond pronouncements. They have allocated proportionately large sums of money and appointed special commissions with staff and budget to bring their own institutional practices in line with their public utterances. They have recognized that only a massive assault on segregation and discrimination within their own inner structure is equal to the urgent demands of God and the events of the times.

As we seek to correct our own failures, we appeal to the legislative branch of our government in these extraordinary circumstances to accept its crucial role in rectifying the injustices of three centuries.

We do not claim to be political statesmen. But we do believe the American people are politically sophisticated enough to recognize the temptation of both political parties to try to derive political advantage from the civil rights struggle. While this temptation is understandable as normal to the noble art of politics, it is obvious that our situation is not normal. It has changed drastically. There is no time for "politics as usual."

Neither party can pass effective civil rights legislation by itself. Therefore neither should attempt to claim credit if the effort is successful. But elements in either party can effectually block a major step in the solution of our nation's most vital domestic problem. If

meaningful and effective civil rights legislation is not enacted by this session of Congress in time to permit it to go on and deal with other vital issues, or if systematic efforts to make one party look "good" and the other "bad" are indulged in, irreparable damage will be done.

In times of overriding national crisis in the past both our legislative and executive branches of government have been able to put country above party. The moral dimensions of our present crisis are sharp and clear and the consequences of failure are unmistakable. We have confidence that the vast majority of our legislators can rise to the demands of the present occasion.

The hour for greatness is upon the Congress of the United States, as it is upon all of us. We pray that you will do everything in your power to enable the Congress to be equal to that hour, and to enact promptly a program of civil rights that is both effectual and enforceable.

Yours sincerely,

Eugene Carson Blake

Eugene Carson Blake
Stated Clerk of the General Assembly

Theophilus M. Taylor

Theophilus M. Taylor
Secretary of the General Council

John C. Smith

John Coventry Smith
General Secretary
Commission on Ecumenical Mission and Relations

Kenneth G. Neigh

Kenneth G. Neigh
General Secretary
Board of National Missions

William A. Morrison

William A. Morrison
General Secretary
Board of Christian Education

Copies to: The Honorable John F. Kennedy
The Honorable Lyndon B. Johnson
The Honorable Robert F. Kennedy
The Honorable Burke Marshall
The Honorable David Lawrence
The Honorable John A. Hannah

THE NASHVILLE TENNESSEAN

AMON CARTER EVANS, PUBLISHER
MONDAY AND SUNDAY
NASHVILLE 1, TENNESSEE

JOHN SEIGENTHALER
EDITOR

July 17, 1963

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Best,

JA

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington 25, D. C.

P. S. I don't think he is going to be successful.

[Handwritten signature]

Mr. Burnett
I don't know
anything about
that man.
7/19